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AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 1st September, 1955

No. 14/1/55-L&J.—The following Bill is published under rule 123 of the Ajmer State Legislative Assembly Rules for general information :—

BILL No. 6 OF 1955

*A Bill to provide for the establishment of a statutory Board for promoting the khadi and village industries in the State of Ajmer.*

BE it enacted by the Legislative Assembly of the State of Ajmer in the sixth year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Ajmer Khadi and Village Industries Board Act, 1955.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force on such date as the State Government may by notification in the official Gazette appoint in this behalf.

2. **Definitions.**—(1) In this Act unless the context otherwise requires—

- (i) 'Board' means the Ajmer Khadi and Village Industries Board constituted under section 3.
- (ii) 'khadi' means handloom cloth woven from yarn handspun in India.
- (iii) 'prescribed' means prescribed by rules made under this Act.
- (iv) 'State Government' means the Chief Commissioner, Ajmer.
- (v) 'village industries' means generally all industries which form the normal occupation, whether whole-time or part-time, of any class of the rural population of the State of

Ajmer and in particular such industries as the State Government may by notification in the official Gazette specify in this behalf in consultation with the Board.

(2) The General Clauses Act, 1897, applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

## CHAPTER II

### THE AJMER KHADI AND VILLAGE INDUSTRIES BOARD

**3. Establishment and constitution of the Ajmer Khadi and Village Industries Board.**—(1) With effect from such date as the State Government may, by notification in the official Gazette, specify in this behalf, there shall be established for the purposes of this Act a Board to be called the Ajmer Khadi and Village Industries Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and to do all things necessary for the purposes of this Act, and shall, by the said name, sue and be sued.

(3) The Board shall consist of nine members to be appointed by the State Government by notification in the official Gazette, including the Chairman :

Provided that

- (a) the Minister incharge of the State Government shall be the Chairman of the Board,
- (b) not more than three of the remaining members shall be officials, and
- (c) the Secretary of the Board shall be elected from among the non-official members.

(4) The Secretary and the non-official members shall be paid from the fund of the Board such allowances as the State Government may fix.

**4. Resignation.**—Any member may at any time resign his office by giving notice thereof in writing to the State Government and on such resignation being accepted, shall be deemed to have vacated his office.

**5. Removal or suspension of a member.**—(1) The State Government may remove from the Board any member who in its opinion—

- (a) refuses to act, or
- (b) has become incapable of acting, or
- (c) has so abused his position as a member as to render his continuance on the Board detrimental to the interests of the public, or
- (d) is absent without permission from all the meetings of the Board for four successive months or for the period for which three successive meetings are held whichever period is longer, or
- (e) ceases to reside in the State of Ajmer, or
- (f) is otherwise unsuitable to continue as a member.

(2) The State Government may suspend any member of the Board pending an inquiry against him.

(3) No order of removal under this section shall be made unless the member concerned has been given an opportunity to submit his explanation to the State Government.

(4) A member who has been removed under sub-section (1) shall not be eligible for appointment as member of, or in any other capacity under the Board.

**6. Vacancy to be filled as soon as possible.**—When a member dies or resigns as provided under section 4 or is removed under sub-section (1) of section 5, he shall cease to be a member of the Board, and any vacancy so occurring shall be filled by the State Government as soon as possible :

Provided that during any such vacancy the continuing members may act as if no vacancy had occurred.

**7. Vacancies etc. not to invalidate acts and proceedings.**—No act or proceedings taken by the Board under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or defect in the constitution of, the Board,
- (b) any omission, defect or irregularity not affecting the merits of the case.

**8. Meetings of the Board.**—The Board shall meet and shall from time to time make arrangements with respect to the date, time, place, notice, management and adjournment of its meetings as it thinks fit:

Provided that

- (a) an ordinary meeting shall be held at least once in every three months,
- (b) the Chairman may whenever he thinks fit call a special meeting,
- (c) the proceedings of the meeting of the Board shall be forwarded to the State Government in the department concerned.

**9. Term of office and dissolution of the Board.**—(1) The Board shall, unless sooner dissolved by the State Government, continue for a period of two years from the date of its establishment:

Provided that the State Government may extend the said period of two years for a further period not exceeding one year:

Provided further that the State Government may, at any time, with the previous approval of the Legislative Assembly of the State of Ajmer, by notification in the official Gazette, make a declaration that with effect from such date as may be specified in the notification, the Board shall be dissolved.

(2) When the Board ceases to exist by efflux of time or is dissolved under the provisions of sub-section (1)—

- (i) all funds and other property vested in the Board shall vest in the State Government;

(ii) all liabilities, legally subsisting and enforceable against the Board shall be enforceable against the State Government to the extent of the funds and properties vested in the State Government under clause (i) above.

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE BOARD

**10. Functions of the Board.**—(1) It shall be the duty of the Board to promote by such measures as it thinks fit the development under the control of the State Government of khadi and the village industries and to perform such functions as the State Government may prescribe from time to time.

(2) Without prejudice to the generality of the provisions of sub-section (1) the Board shall also in particular take the following measures, namely:—

- (a) to start, encourage, assist and carry on khadi and village industries and to carry on trade and business in such industries;
- (b) to help the people by providing them with work in their homes and to give them monetary help;
- (c) to encourage establishment of cooperative societies for khadi and village industries;
- (d) to conduct training centres and to train people at such centres or other centres outside the State of Ajmer with a view to equip them with the necessary knowledge for starting or carrying on khadi and village industries;
- (e) (i) to manufacture tools and implements required for carrying on khadi and village industries and to manufacture the products of such industries;
  - (ii) to arrange for the supply of raw materials and tools and implements required for the said purpose; and
  - (iii) to sell and to arrange for the sale of the products of the said industries;
- (f) to arrange for publicity and popularising of finished products of the said industries by opening stalls, shops, emporia or exhibitions and to take similar measures for the purposes;
- (g) to endeavour to educate public opinion and to impress upon the public the advantages of patronising the products of the said industries;
- (h) to seek and obtain advice and guidance of experts in the said industries;
- (i) to undertake and encourage research work in connection with the said industries and to carry on such activities as are incidental and conducive to the objects of this Act;
- (j) to discharge such other duties and to perform such other functions as the State Government may direct for the purpose of carrying out the objects of this Act,

**11. General powers of the Board.**—The Board shall, for the purposes of carrying out its functions under this Act, have the following powers:—

- (i) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property:

Provided that in the case of immovable property the aforesaid powers shall be exercised with the previous sanction of the State Government;

- (ii) to incur expenditure and undertake works in any area in the State of Ajmer for the framing and execution of such scheme as it may consider necessary for the purpose of carrying out the provisions of this Act or as may be entrusted to it by the State Government, subject to the provisions of this Act and the rules made thereunder.

**12. Officers and Servants.**—(1) The Board shall have an office at the Headquarters of the State Government to which all communications and notices may be addressed.

- (2) The Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions.
- (3) The functions and duties, and the pay and other conditions of service, of officers and servants of the Board shall be such as the Board may determine by regulations.

#### CHAPTER IV

##### FINANCE, ACCOUNTS AND AUDIT

**13. Transfer of property.**—The State Government may transfer to the Board buildings, land or any other property, whether movable or immovable, for use and management by the Board on such conditions and limitations as the State Government may deem fit for the purposes of this Act.

**14. Fund of the Board.**—(1) The Board shall have its own fund and all receipts of the Board shall be credited thereto and all payments by the Board shall be met therefrom.

(2) The Board may accept grants, sub-ventions, donations and gifts and receive loans from Government or a local authority or any body or association whether incorporated or not, or an individual for all or any of the purposes of this Act.

(3) All money belonging to the fund of the Board shall be deposited in such manner as the State Government may, by a special or general order, direct.

(4) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board.

**15. Application of Fund and Property.**—All property, fund and other assets of the Board shall be held and applied by it subject to the provisions and for the purposes of this Act,

**16. Subventions and loans to the Board.**—(1) The Government may from time to time make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the Government may determine in each case.

(2) The Board may from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and such conditions as the State Government may determine, borrow any sum required for the purposes of this Act.

**17. Preparation and Submission of Annual Programme and Establishment Schedule.**—In each year before such date as may be fixed by the State Government, the Board shall prepare and forward to the State Government—

- (a) a programme of work, and
- (b) a schedule of the staff of officers and servants employed and to be employed during the next year.

(2) The programme of work shall contain—

- (a) particulars of the schemes which the Board proposes to execute whether in part or whole during the next year,
- (b) particulars of any work or undertaking which the Board proposes to organise during the next year for the purposes of carrying out its functions under this Act, and
- (c) such other particulars as may be prescribed.

**18. Sanction of Programme and Establishment Schedule.**—The State Government may approve and sanction the programme and the schedule of staff of officers and servants forwarded to it with such modifications as it deems fit.

**19. Budget.**—The Board shall, before such date as may be fixed by the State Government, prepare and submit to the State Government the budget for the next financial year, showing estimated receipts and expenditure according to the programme of work and the schedule of staff sanctioned by the State Government.

**20. Sanction of Budget.**—(1) The State Government may sanction the budget submitted to it with such modifications as it deems proper.

(2) The Board shall be competent to re-appropriate such amounts as may be necessary from one scheme to another and within Sub-head and minor heads subject to the condition that the cost of any scheme as originally sanctioned shall not exceed by more than 33-1/3 per cent.

**21. Supplementary programme and supplementary budget.**—The Board may submit a supplementary programme of work and schedule of staff and a supplementary budget for the sanction of the State Government in such form and before such date as the State Government may prescribe, and the provisions of sections 18 and 20

shall apply to such supplementary programme of work and schedule of staff and supplementary budget respectively.

**22. Annual Report.**—The Board shall prepare and forward to the State Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving complete account of its activities during the previous financial year.

**23. Further reports, statistics and returns.**—The Board shall before such date and at such intervals and in such manner as the State Government may from time to time direct, submit to the State Government a report on such matters and statistics and returns as the State Government may direct.

**24. Accounts and Audit.**—(1) The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner as may be prescribed.

(2) Such accounts shall be audited by an auditor approved by the State Government.

(3) As soon as the accounts of the Board are audited, the Board shall send a copy thereof together with a copy of the report of the auditor to the State Government.

(4) The audited accounts of the Board shall be submitted to the State Government in such manner as may be prescribed.

## CHAPTER V MISCELLANEOUS

**25. Directions by State Government.**—(1) In the discharge of its functions, the Board shall be guided by such instructions on questions of policy as may be given to it by the State Government.

(2) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

**26. Members of Board and Members of Staff of Board to be Public Servants.**—Members of the Board and members of staff of the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code.

**27. Protection of action taken under this Act.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or purported to be done under this Act.

**28. Rules.**—(1) The State Government may by notification in the official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters.—

(a) the allowances of members of the Board under section 3;

- (b) the manner and form in which contracts shall be entered into by the Board;
- (c) the functions of the Board under section 10;
- (d) the form in which and the date before which the programme of work and schedule of staff shall be submitted to the State Government and the other particulars of the programme of work under section 17;
- (e) the form in which and the date before which the supplementary programme of work and schedule of staff and the supplementary budget will be submitted under section 21;
- (f) the manner in which the annual report shall be prepared and forwarded to the State Government under section 22;
- (g) the manner in which the accounts of the Board shall be maintained and the annual statement of accounts prepared under section 24;
- (h) any other matter which is or may be prescribed.

29. **Regulations.**—(1) The Board may with the previous sanction of the State Government make regulations consistent with this Act and the rules made thereunder and notify them in the official Gazette.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for—

- (a) the procedure and disposal of its business;
- (b) remuneration, allowances and other conditions of service of members of the staff of the Board.
- (c) functions and duties of the members of the staff of the Board.

#### STATEMENT OF OBJECTS AND REASONS

It is necessary and expedient to organise and encourage the khadi and other village industries in the State of Ajmer and to constitute a Board to carry out the said objects. It shall be the duty of the Board to promote by such measures as it thinks fit the development under the control of the State Government of the khadi and other village industries and to perform such functions as the State Government may prescribe from time to time. In order that the Board may be effective, it is necessary that it must be vested with statutory powers. The present Bill seeks to achieve these purposes.

HARIBHAU UPADHYAYA,  
Minister-in-Charge.

V. N. BHATIA,  
Secretary to Government, Ajmer.